

The hAMPDEN hippOCRAT

MAY 1972





HAMPDEN DISTRICT MEDICAL SOCIETY

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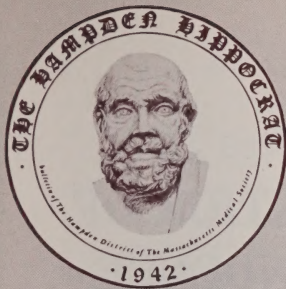
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MAY 1972

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A bulletin for
The Hampden District of
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THE HAMPDEN HIPPOCRAT is published monthly except for July and August.

The opinions expressed in this bulletin are those of the writers and do not reflect the official viewpoint of the Hampden District Medical Society unless so stated.

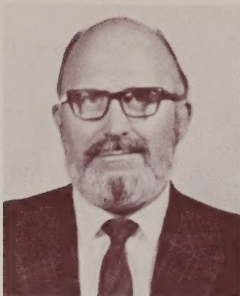
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President's Page

Inaugural Address . . .

DECLARATION OF INDEPENDENCE

"When in the Course of human events it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed; that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind is more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security."

How many of you recognize these paragraphs? Actually, these are the words of the opening paragraphs of the Declaration of Independence of the United States of America, delivered on July 7, 1776. Today, we, in medicine, face the same plight even as the Colonists did those two hundred years ago. We are finding ourselves being pressed further and further by governmental agencies to the point where it is becoming somewhat unbearable. These agencies are usurping our right to be able to make our own decisions as to how to treat our patients, when to treat our patients, and soon, they are going to try to tell us where to treat our patients. It is being attempted even by certain establishments which are semi-governmental, supposedly, with half of their funds coming from the general public, otherwise known as consumers, and half from the government, whose money still comes from the so-called public or consumers. Incidentally, I am not quite certain as to whether governmental officials have looked up this word consumer which they are now using and on the other hand, calling us providers thereby doing away with the terms of patient and physician. In the *Webster's Unabridged Dictionary*, for the word consumer the first meaning is one who destroys, does away with completely or annihilates. The second meaning in order of importance is to spend foolishly or recklessly or squander. Apparently, governmental programs, as they are going, very well fit the second definition. Apparently people are being told that they are going to have their money saved by squandering. This seems to be a complete governmental way of doing things. However, we physicians hope to be able to show the public and our patients that we, as physicians, not as vendors or providers, have no goods to sell them and we are not trying to hoodwink them. Moreover, they

do not have to have a Ralph Nader coming in and telling them that they have to come in and have their chassis regreased after being in service for two years. Rather, we are going to try, through the foundations concept, to provide people with far better service and higher quality in the spirit of the traditional patient-physician relationship so that the patient can choose his very own physician with complete faith, which is still a most important factor. People who tell you that there is no such thing as faith, ask them how does motherhood and fatherhood differ. Motherhood, as you know, is fact, and fatherhood is faith.

THE FOUNDATION

Under the foundation concept, which we are attempting to initiate in this area of Western Massachusetts, we hope to be able to provide people with more care in the office, thereby reverting back to the older fashion of medical practice where the physician still holds his position of being a complete confidante and one who knows his patients quite well. On this basis, with the foundations concept, emphasis will be placed on seeing that the help is provided for the patient more in the physician's office and less in the hospital. Today the physician's cost is far below the hospital's cost. At the moment, eighty-five percent of the health care dollar spent is going to sources other than the physician. The physician, at the moment, only gathers in fifteen cents of the health care dollar. However, he is responsible for the disposition of the other eighty-five percent. Look at the formal requests you have to make out so that patients can have walkers, so that patients can have home nursing care, and so that patients can have all sorts of other care in extended units and nursing homes, and other necessary services. All of these have to be done by the physician via the filling out of forms. Indeed, for welfare cases, he even has to sign a form for admission to the hospital stating that such is justified under the penalty that the hospital will not receive payment therefor otherwise. Many directors of governmental, quasi-governmental and even so-called "doctors' plans" feel that physicians are wrong to start foundations and need total control by the former. I would point out to them, quite repeatedly, that until they can sign their name at the bottom of a prescription pad, all intact with the new BDNN number, that they are not the physician.

TAKE OVER

Just recently this week, I received something from Western Mass. Health Planning Council, which was directed to the Executive Committee, the Valley Review Committee, and the Berkshire Review Committee concerning the subject of *Emergency Medical Service System Proposal*. On Page 2 of this report of the Tri-State Regional Program Proposal for Emergency Medical Service, there is this statement under Paragraph 4: "The EMS council *might* also develop in conjunction with a local medical society, a continuing education program for physicians in emergency medical care practice." Here, again, someone else is going to be taking over, telling us how to run medicine, how to take care of people in emergencies, and as yet, such a program has not come to the attention of the Hampden District Medical Society. I wish to point out the words in here listed as being "*might also develop*." I wonder why they used the word "might" instead of the word "right" of the medical society to have education. There again, as I stated in my opening paragraph under the *Declaration of Independence*, the situation seems to be that these governmental agencies, and other agencies, are now using the term that their might is our right. Under this basis, we, as physicians, are going to have to stand up and say that our right is our ability to practice free and do the best things for our patients. I further submit to you, that as this new incident relating to an emergency medical council is such an example of where our rights are being usurped.

The proposal states that the Western Mass. Health Planning Council will provide plans for training courses for ambulances, aides and drivers to be offered at Berkshire Medical Center for Amherst residents and all parts of the county. Here, again, this has

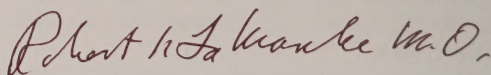
already been undertaken by our state medical society, and this is a situation of where non-physician groups are going to take over the training and teaching of medical emergency care from physicians.

This same proposal purports to apply for a \$131,342.00 grant, to be used by the Western Mass. Health Planning Council in beginning the development of coordinated emergency medical service system in the four counties of Western Massachusetts. The initial elements of this process will include community and institutional organization; public, semi-professional, and professional education; and data gathering and analysis. Here, again, the government is telling you where you are going to learn things. As pointed out to you, your medical society is trying to develop a program of coordinated medical control; here the government is going to take it over. It has been also stated by certain individuals that a community may have too many surgeons. No longer is a man free to decide where he wishes to practice. We feel that it is his own prerogative to practice where he would like to live and do what he wishes to do.

I submit to you, therefore, that the Foundation is the only means that we have at our disposal, particularly in this western part of the state, to join, not just our district, but the entire four western districts, to counteract the inroads on our freedom. Also, if you have noticed in the Foundation, we have left it open that other non-medical participants, such as dentists and osteopathic physicians may be admitted. In fact, all persons who are licensed by the state medical licensing board to deliver health care to the American people are eligible for admission.

I submit to you that this is my Declaration of Independence from complete control, that I feel that my patients are entitled to the best possible medical care under a free system of government and medicine, and with their own choosing of a personal physician.

I would, therefore, highly recommend and urge that you all join the Foundation as soon as possible so that we can go ahead and enter into the battle with our own Declaration of Independence on this April 25, 1972.



Robert N. LaMarche, M.D.

D-RASH

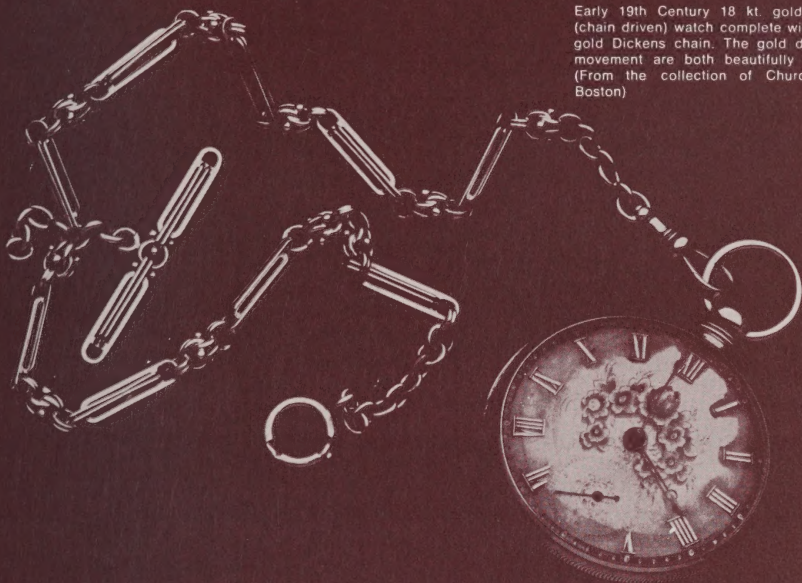
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HDMS ANNUAL MEETING HIGHLIGHTS

The annual meeting of HDMS was held on April 25, 1972, at Chez Josef's in Agawam, with the call to order being made by President Bandeian at 6:20 P.M.

Attendance: 154 including 21 without reservations; 169 made reservations with 36 failing to attend and cancel their reservations.

The minutes of the regularly scheduled meeting of February 1, 1972, were accepted as read.

COMMITTEE REPORTS

President Bandeian called attention to the annual committee reports as published in the April issue of *The Hampden Hippocrat*; these were accepted as published.

The Medico-Legal Code for Hampden County, as developed by a joint

committee on medico-legal affairs representing the HDMS and the Hampden County Bar Association and as published in the April issue of *The Hampden Hippocrat* was also adopted by the membership.

Dr. Robert N. LaMarche, chairman of the Ad Hoc Committee on Foundations for Medical Care, presented the purposes of the Health Care Foundation of Western Mass., Inc., contained in the Articles of Organization as required by the General Laws of the Commonwealth under Chapter 180 and summarized the proposed bylaws for this new organization (see pages 17-28 for complete details). A first year budget of some \$47,000 was proposed to get this organization off the ground and operational. After a prolonged question and answer period, the members present voted overwhelmingly to approve the establishment of this organization. Membership is open to all physicians, including osteopaths, with an initial membership payment of \$100 (see page 29 for application form).

Under old business, Dr. James D. Allan moved that his resolution pertaining to the MMS rescinding its endorsement of Blue Shield and discharging the

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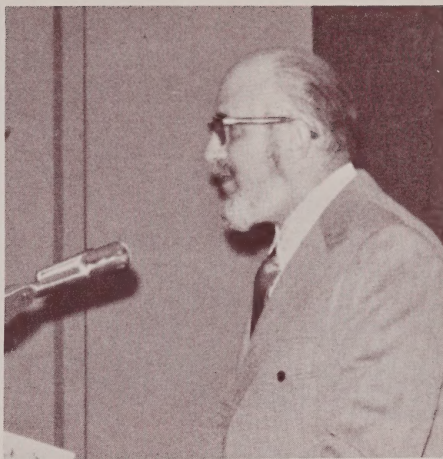
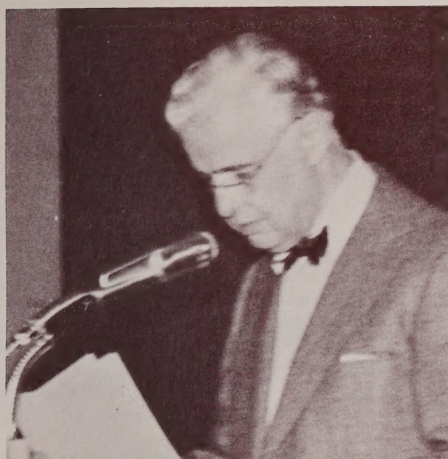
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"Selling The Foundation"

L. to R.: Dr. John J. Bandeian and Dr. Robert N. LaMarche

Committee to Recommend Directors of Blue Shield be taken off the table and reconsidered with an eye to adoption and transmissal to the MMS. The intent of this resolution is to eventually place the Mass. Blue Shield in a position where it would not comply with its enabling statute, since 50% of the Board of Directors must be approved by the MMS Council and would, hence, have to be dissolved or reorganized in some fashion with no association to the MMS. This resolution was considered at the February 1, 1972, meeting of the HDMS and tabled at that time. Dr. Allan pointed out that there was still considerable dissatisfaction with Blue Shield, in the latter's relationship with practicing physicians and that appropriate forcing of the issues was necessary to bring about satisfaction on behalf of physicians. Dr. John C. Ayres made a plea that the resolution remain tabled because much progress has been made and is anticipated to be made in the immediate future so that a greater spirit of cooperation rather than confrontation is bound to ensue. Already the Board of Directors has been increased so that there are 10 physicians thereon along with 11 lay members indicating a majority more sympathetic to physicians. Moves are under way to make Plan B an indemnity program whereby patients would receive money from Blue Shield to

pay their own physicians, who, in turn, could accept same as payment in full or not. Likewise, payment to patients who receive services from non-participating physicians is envisioned on the same basis. Legal counsel feels minor changes in the enabling statutes would be necessary to protect the personal liability of individual Board of Director members, but that this is possible without too much difficulty or repercussions. Other steps are also being taken to assure policy making on the Board level will result in more sympathetic relationships with physicians including a new Participating Physicians' Agreement, Board leadership, and the like. In spite of the plea, the membership voted to take the resolution off the table, and approved same for transmissal to the MMS.

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L. to R.: Dr. Setrag A. Zacarian, President Elect; Dr. Robert N. LaMarche, President; Dr. Paul T. Moore, Treasurer; and Dr. Walton E. Stevens, Secretary.

Dr. Paul T. Moore rendered his annual report pointing out a \$1,000 deficit in this year's expenditures over receipts, a proposed budget of close to \$28,000 for the fiscal year of 1972-1973, and a recommendation of an increase in annual dues to the amount of \$75 per year. The budget and recommended increased dues were approved.

There being no further old business, the meeting was recessed from 8:00 P.M. to 9:00 P.M. for a social hour and dinner. **PRESENTATIONS**

Upon resumption of the meeting, President Bandeian called for a moment of silence and prayer for 11 members of the HDMS who had passed away during the year:

1. Paul Nathan, Holyoke
2. W. Fenn Hoyt, Longmeadow
3. Ralph S. Rodney, Longmeadow
4. Archibald J. Douglas, Westfield
5. Charles L. Furcolo, Hampden
6. Jerome A. Whitney, Springfield
7. Roderick A. McCauley, Longmeadow



"For 50 Years"

L. to R.: Dr. Arthur J. Horrigan receiving from Dr. John J. Bandeian, President.

8. Donald A. Forbes, Springfield
9. Archer L. Hurd, Somers, Connecticut
10. James G. Bruce, Springfield
11. Parker C. Carson, Longmeadow

Following this, a 50-year membership certificate was presented to Dr. Arthur J. Horrigan of Springfield as well as membership certificates to new members admitted during the year.

The report of the Nominating Committee was presented by Dr. David E. Booker; this was accepted unanimously (see page 11).

Retiring President Bandeian expressed his gratitude to all who assisted him during his tenure of office and thereupon introduced the new President, Dr. Robert N. LaMarche. After rendering his inaugural address (see page 4), President LaMarche announced his appointments to various committees for the coming year. (See page 12).

There being no further business, the meeting was adjourned at 9:35 P.M.

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Ex-officio
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Ex-officio
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James D. Fisher John E. McHugh
1974
John J. Burke William E. Sheehan
1975
Sheldon S. Goldberg William J. Cummings

HDMS NOMINATING COMMITTEE

David E. Booker, Chairman 1973
Jean P. Aucoin 1974
Robert A. Kelley 1975

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Joseph R. Kelly	Holyoke
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John J. Flahive	1972
H. Bernard Tillman	1970
Robert A. Sears	1972



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Robert N. LaMarche
Vivian M. Purdy

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Robert N. LaMarche
Setrag A. Zacarian

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W. Max Cloud	1975
Gardner Cox, II	1976

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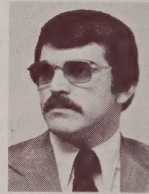
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HIGHLIGHTS OF THE APRIL EXECUTIVE COMMITTEE MEETING

The Executive Committee met on Tuesday, April 18, 1972 in the Conference Room of HDMS. Present were Drs. Bandeian, Zacarian, Sheehan, Turner, Fisher, LaMarche, Cummings and Mrs. Purdy.

Dr. Zacarian read the minutes of the March meeting. These were approved by the Committee as read.

A letter was read from Mr. David Webster of Boit, Dalton & Church, Inc., offering to appear before the HDMS membership so as to better inform the latter of the new liability insurance being made available with the endorsement of MMS.

A letter from Dr. Howard, Executive Vice President of the AMA, asking for names of physicians in this district who are members of the AMA was read. Miss Adler of MMS will be contacted for this information which will, in turn, be sent to the AMA.

Dr. Bandeian gave a report of his meeting at MMS with the Medical Charges Review Committee. A letter will be sent to MMS by Dr. Bandeian concerning this meeting.

The Treasurer's financial report had been sent to the members of the Committee. The Committee voted unanimously to accept Dr. Moore's report.

The law pertaining to discriminatory practices against public assistance recipients as printed in the *Newsletter* of MMS in February was discussed. This will be presented at the District Meeting to remind the membership of its importance.

The Executive Committee adjourned at 9:35 P.M.

The Grievance Committee met and heard four cases.

The meeting was adjourned at 10:25 P.M.

“UMBRELLA” POLICY CANCELLED

H. B. TILLMAN, M.D.

Chairman, HDMS

Members' Insurance Committee

The Members' Insurance Committee has just been informed that the personal catastrophe plan, commonly known as “the umbrella policy” has been canceled by the Insurance Company of North America. This plan has been in force on a group basis for our Society since 1968, and had been administered by the Field, Eddy & Bulkley Ins. Co. In spite of the fact that there had been no claims in our district, we are informed that the cancellation was the result of some very large claims in California.

Your committee is investigating available replacement policies. However, it has been the previous policy of your committee to sponsor group policies only if they are advantageous over those available through individual policies. Such a group policy of the “umbrella” type is not easily available, and the membership is alerted to the fact that their present policy will not be in force after the next renewal date. Accordingly, members are advised to obtain individual policies until such time as your committee finds a replacement group policy that it is willing to recommend. The membership will be kept informed on future recommendations of your committee.

Convert your reception desk into your office message center



Telephone System by Rocom[™]

Here is a complete telephone message handling system -- one that can be understood quickly by your newest office aide; one that permits your staff to answer patients' questions with confidence; one that will make your office practice more productive by assuring that you are interrupted only when you think it is necessary.

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a simplified, workable method for handling incoming calls

The Instructions Booklet

The 12-page instructions booklet for office aides permits you to design your own telephone system regarding the procedures you want followed by your staff.

Section 1 -- gives information about using the message form; the disposition and filing of the message.

Section 2 -- tells all about your practice: your hours, specialty, fees for various procedures, and your regular out-of-office schedule.

Section 3 -- describes how you want various types of calls handled: emergencies (bleeding, pain, fever, vomiting, loss of coordination, etc.); routine messages (request for patient information, etc.); nonmedical calls (insurance information, detailmen).

Section 4 -- tells your staff how to handle prescriptions, in- and out-of-office prescription renewals, gives Latin terminology.

Section 5 -- provides a list of important personal callers -- your family, lawyer, accountant, broker, etc. Also lists consultants, pharmacies, laboratories and hospitals that may call you (or that you may call) frequently.

The Message Form

The Rocom Telephone message form is designed to remind your aides to obtain all pertinent information regarding the patient. Equally important, there is space for you to write in your disposition of the call. The message form has a self-adhesive backing so that, if you wish, it can be adhered directly to the patient's permanent record. You write the information only once and it is always available for future need.

The message form comes in two ways: padded, 4 messages to the sheet for use at the switchboard, and padded, 1 message to the sheet (checkbook style) for you to carry with you.

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PRACTICE INFORMATION

OFFICE HOURS (Enter hours in pencil)

Physician & Specialty	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.	Sun.
B.A. Jones	-	-	-	10-12	-	10-12	-
Internist	2-5	2-5	-	2-5	2-5	-	-
Dr. Stuart	10-12	10-12	10-12	-	10-12	10-12	-
Surgeon	-	-	2-5	-	-	-	-
Dr. Doerr	-	-	-	-	-	10-12	-
Internist	2-5	2-5	2-5	-	2-5	-	-

OFFICE PROCEDURES AND FEES

Procedure	Fee	Procedure	Fee
Rescue office visit	\$ 10.00		\$
Complete Examination	\$ 35.00		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
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	\$		\$

OUT-OF-OFFICE SCHEDULE

Calls often come in when the physician is away from the office. You will be told where he can be reached at all times and you should keep a record of his whereabouts on the following form. He will also tell you who should be given his out-of-office number and when he wants you to relay the message.

In the boxes below, record the hours the physician expects to be at certain place and the phone number where he can be reached. Fill in the information in pencil.

WEEKLY OUT OF OFFICE SCHEDULE

Physician	Monday	Tuesday	Wednesday
Dr. Jones	Mersey Hosp. City Clinic (Am)	Mersey Hosp.	Mersey Hosp.
Dr. Stuart	Memorial Hosp.	Memorial Hosp. City Clinic (Pm)	Memorial Hosp.
Dr. Doerr	City Clinic (Am)	City Clinic	Med. School City Clinic (Pm)

Physician	Thursday	Friday	Saturday
Dr. Jones	Mersey Hosp.	Mersey Hosp. City Clinic	
Dr. Stuart	Memorial Hosp.	Memorial Hosp.	
Dr. Doerr	City Clinic (Am)	City Clinic (Am)	

SECTION
2

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Date	Date	Time	Who Called	Phone
Patient Name	Address	Age	Temp.	Physician
Chart #	Address	Urgent	Call Back	
MESSAGE:			DISPOSITION:	
Copyright © 1971 Patient Care Systems, Inc. All rights reserved. Printed in U.S.A.			Chart #	
Medication Allergy			Rec'd by:	Handled by:

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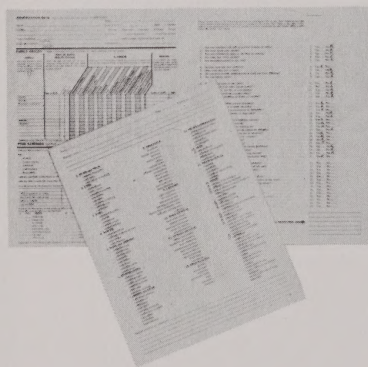
Rocom™
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ROCOM products to help improve patient care while providing more efficient use of office time

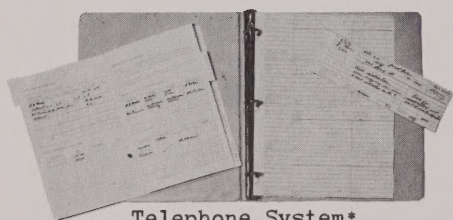
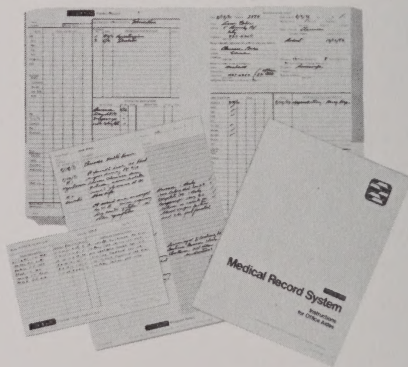
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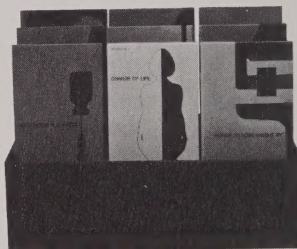
Health History System*



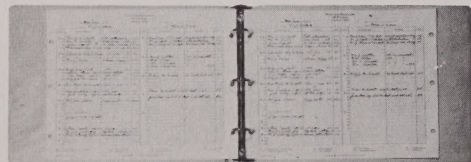
Medical Records System*



Telephone System*



Patient Health Guides*



Appointment System*

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THE PURPOSES

OF THE HEALTH CARE FOUNDATION OF WESTERN MASSACHUSETTS, INC. AS OUTLINED IN THE ARTICLES OF ORGANIZATION (Under Mass. G.L., CH. 180)

A. To promote, develop, and encourage the distribution of medical services by its members to the people of Western Massachusetts at a cost reasonable to both patient and physician; to preserve unto its members, the medical profession at large, and the public, freedom of choice of both physician and patient; to guard and preserve the physician-patient relationship and its innumerable benefits; to protect the public health; to work and study in cooperation with the Blue Shield and the Blue Cross plans, and other prepaid medical care plans that provide for periodic and realistic budgeting for medical care, and which subscribed to and provide for the freedom of selection and the protection of the physician-patient relationship, in order to further promote the above purposes; to work with, and provide information to, the public, Chambers of Commerce, agricultural association, trade unions, employer's organizations, and other groups and individuals as to the reasonable cost of adequate medical care; to work in conjunction with the District Medical Societies of Massachusetts and the Massachusetts Medical Society, to promote these purposes and the purposes

of those organizations, namely: the development and promotion of the art and science of medicine, the protection of the public health and the betterment of the medical profession; to accept gifts, trusts, and donations; and to receive property by devise and bequest.

B. Subject to Section C hereinafter set forth, the Corporation shall have, and may exercise in furtherance of its corporate purposes, the following powers and authority:

1. To purchase, receive, take by grant, gift, devise, construct, erect, bequest or otherwise, lease, or otherwise acquire, own, hold, construct, erect, improve, employ, use and otherwise deal in and with, real or personal property, or any interest therein, wherever situated;

2. To sell, convey, lease, exchange,



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transfer or otherwise dispose of, or mortgage, pledge, encumber or create a security interest in, all or any of its property, real or personal, or any interest therein, wherever situated;

3. To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, employ, sell, lend, lease, exchange, transfer, or otherwise dispose of, mortgage, pledge, use and otherwise deal in and with, bonds and other obligations, shares, or other securities or interest issued by others, whether engaged in similar or different business, governmental, or other activities;

4. To make contracts, give guarantees and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds and other obligations, and secure any of its obligations by mortgage, pledge or encumbrance of, or security interest in, all or any of its property, real or personal, or any interest therein, wherever situated;

5. To lend money, invest and reinvest its funds, and take and hold real and personal property as security for the

payment of funds so loaned or invested;

6. To do business, carry on its operations and have offices and exercise the powers granted to this corporation by law in any jurisdiction within or without the United States;

7. To make donations for the public welfare or for community fund, hospital, charitable, religious, educational, scientific, civic or similar purposes, and in time of war or other national emergency in aid thereof;

8. To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is formed; provided that no such power shall be exercised in a manner inconsistent with the general laws of the Commonwealth of Massachusetts.

C. This corporation shall be operated exclusively for charitable, scientific, and educational purposes, no part of the net earnings of which shall inure to the benefit of any member or individual. This corporation shall not engage in any activities, a substantial part of which is carrying on propaganda or otherwise attempting, to influence legislation; and shall not participate in, or intervene in, any political campaign on behalf of any candidate for public office, by publishing or distributing statements or otherwise. This corporation shall not be authorized to engage in any activity which would cause this corporation to lose its status as an exempt organization within the meaning of Section 501 of the Internal Revenue Code of 1954, as it may be amended from time to time or any similar law hereafter in effect.

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ARTICLE I PRINCIPAL OFFICE

Section 1.

The principal office of the Corporation shall be located at 1414 State Street, Springfield, Massachusetts. The Corporation may also have offices at such other places in the Commonwealth of Massachusetts or elsewhere as the Board of Directors shall from time to time determine to be necessary or convenient for the purpose of this Corporation and the carrying out of its work and activities.

ARTICLE II GENERAL PROVISIONS AND RESTRICTIONS

Section 1.

This Corporation may engage in any and all lawful activities that may be incidental or reasonably necessary to accomplish any of the purposes of the Corporation as set forth in its Articles of Organization, as amended from time to time, and to have and exercise all other powers and authority now or hereafter conferred upon corporations organized pursuant to the terms and provisions of Chapter 180 of the Massachusetts General Laws.

Section 2.

However, notwithstanding section 1 of

this article, the following restrictions shall apply:

A. This Corporation shall not have or exercise any power or authority either expressly, by interpretation or by operation of law, nor shall it directly or indirectly engage in any activity, that would prevent this Corporation from qualifying (and continuing to qualify) as a Corporation described in section 501 (c) (3) of the Code, contributions to which are deductible for federal income tax purposes.

B. No substantial part of the activities of this Corporation shall consist of carrying on propaganda, or otherwise attempting, to influence legislation; nor shall it in any manner or to any extent participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office; nor shall it engage in any activities that are unlawful under the laws of the United States of America, or the Commonwealth of Massachusetts, or any other jurisdiction where such activities are carried on; nor shall it engage in any transaction defined at the time as "prohibited" under section 503 of the Code.

C. This Corporation shall never be

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operated for the primary purpose of carrying on a trade or business for profit. Neither the whole, nor any part or portion, of the assets or net earnings of this Corporation shall be used, nor shall this Corporation be organized or operated, for purposes that are not exclusively religious, charitable, scientific, literary, or educational within the meaning of section 501 (c) (3) of the Code.

D. No compensation or payment shall ever be paid or made to any member, officer, director, trustee, creator, or organizer of this Corporation, or substantial contributor to it, except as a reasonable allowance for actual expenditures or services actually made or rendered to or for this Corporation; and neither the whole nor any part or portion of the assets or net earnings, current or accumulated, of this Corporation shall be ever distributed to or divided among any such person; provided, further, that neither the whole nor any part or portion of such assets or net earnings shall ever be used for, accrue to, or inure to the benefit of any member or private

individual within the meaning of section 501 (c) of the Code.

ARTICLE III MEMBERSHIP

Section 1. Classes of Membership.

There shall be two classes of membership in this Corporation as follows:

- A. Administrative Members
- B. Associate Members

Section 2. Qualifications and Rights of Administrative Members.

Any physician or osteopath, who is duly licensed to practice medicine in the Commonwealth of Massachusetts, and is a member in good standing of one of the following district medical societies, to wit: Hampden, Hampshire, Berkshire or Franklin and the Massachusetts Medical Society and has fulfilled any other obligations related thereto shall be eligible to become an Administrative Member of this Corporation. Admission to Administrative Membership shall be granted to any such person so qualified upon his making application therefor in the manner prescribed in section 4 of this Article.

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You've probably read and heard numerous discussions of Professional Corporations. The real question is: "How do I tell if it's right or wrong for me in my practice?"

The answer is a feasibility study. A feasibility study entails about 20 to 30 minutes of your time for some documentation and information and the rest is up to us.

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As you know we are involved with many physicians and are conversant with their many problems. If you would like to have a feasibility study done on your practice tear off the bottom of this ad and mail it to us.

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Administrative Members shall be eligible to vote and to hold office in this Corporation. Cumulative and proxy voting is expressly prohibited.

Section 3. Qualifications and Rights of Associate Members.

Any person who is duly licensed to practice medicine, osteopathy, or dentistry in his respective state shall be eligible to become an Associate Member of this Corporation. Admission to Associate Membership shall be granted to any such person so qualified upon his making application therefor in the manner prescribed in section 4 of this Article.

Associate Members shall not be eligible to vote or to hold office in this Corporation.

Section 4. Procedure for Admission.

Any qualified person who desires to become an Administrative or Associate Member of this Corporation shall fill out and sign in duplicate the application blank provided for that purpose by the Corporation. Such application blank shall be in the form or forms determined by the Board of Directors, and shall contain a clause stating in substance that the applicant agrees, as long as his membership in this Corporation is effective, to comply with and to be governed by all provisions of the Articles of Organization, By-Laws, and by any and all rules, regulations, committee recommendations, fee schedules, peer review decisions, and the like, adopted by this Corporation. In addition, the application shall contain a clause to the

effect that all records of this Corporation, including, but not limited to, records prepared by any member, servant, agent or employee, shall be considered confidential and the sole property of the Corporation and no member, servant, agent or employee of the Corporation shall, under any circumstances, have the right to obtain these records by subpoena or otherwise for use in any legal proceeding or other matter without the prior written consent of the Board of Directors.

The membership application shall be filed at the Corporation's principal office with the Secretary. The application shall then be referred by the Secretary to the Membership Committee, which shall investigate the background and present status of the applicant, and upon the favorable recommendation of a majority of the Membership Committee present at the hearing of said application, the applicant shall be notified of said finding by the Committee and his membership in the Corporation shall commence as of the date of said notification.

Section 5. Term of Membership.

Subject to the provisions of parts A and B of this Section, and Article X, membership as an Administrative or Associate Member shall be perpetual.

A. An Administrative or Associate Member may resign his membership in this Corporation at any time by a written notice of such resignation delivered or mailed to the Secretary of the Corporation and any such resignation

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shall be effective upon the receipt thereof.

B. Membership in this Corporation as an Administrative or Associate Member shall automatically terminate if such member should become disqualified to practice the profession for which he was licensed in his respective state. In addition, if any Administrative Member fails to keep in good standing his membership in one of the district medical societies enumerated in section 2 of this Article or in the Massachusetts Medical Society, his membership in this Corporation as an Administrative Member shall terminate.

An Administrative Member whose membership as such in this Corporation has been terminated for the reasons stated in the preceding sentence shall become an Associate Member in this Corporation, if he meets the qualifications for such membership, unless he elects, by a written notice to the Secretary of this Corporation, not to become an Associate Member.

Section 6. Dues.

Administrative and Associate Members shall be liable to the Corporation for dues, subscriptions, or assessments of any kind, as determined by the Board of Directors, from time to time, subject to the ratification of the majority of voting members present at the meeting at which the vote for ratification was held.

Section 7. Membership Roll.

A written record of the membership of this Corporation shall be kept by the Executive Director, and said record shall contain the name and address of each member and in any case where any membership has been terminated for any reason whatsoever, an entry of such fact, together with the date upon which said membership was terminated.

Section 8. Non-transferability of Membership.

Membership in this Corporation, either as an Administrative or Associate Member, shall in no event be transferable or assignable in any form, either by voluntary or involuntary act or by



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Sales Manager

operation of law. In the event of the death or incapacity of any member or any attempted transfer or assignment of membership, the membership and all interest of such member in the Corporation shall be forthwith cancelled and revoked.

ARTICLE IV MEETING OF MEMBERS

Section 1. Annual Meetings.

The first meeting of both the Administrative and Associate Members of this Corporation may be held at any time by the call of the first Board of Directors for any lawful purpose. Thereafter, an annual meeting of the members of the Corporation shall be held on the first Monday in May, at the principal office of the Corporation or at such other place, as shall be designated by the Board of Directors.

Section 2. Special Meetings.

Special Meetings of either Administrative or Associate Members may be called by the President or by the Board of Directors upon a vote of two-thirds of the voting members of the Board of Directors calling for such a meeting and such special meeting shall be called by the Secretary, or in the event of the death, absence, incapacity or refusal of the Secretary, by any other officer, upon written application of three or more Administrative Members. Special Meetings may also be called upon the written signed request, addressed to the Secretary, of at least twenty-five (25) Administrative Members calling for such a meeting. Special Meetings may be held at

the principal office of the Corporation, or at any other place as shall be designated by the Board of Directors.

Section 3. Notice of Annual and Special Meetings.

Written notice of the Annual Meeting and special meetings shall be given to each member either personally or by mail postage prepaid addressed to each member at his address appearing upon the books of the Corporation, or at his residence or usual place of business, at least seven (7) days in advance of the date of such Annual or special meeting; and such written notice shall also state the place, day, and hour of such meeting and the general nature of the business to be transacted.

Section 4.

Whenever notice of a meeting is required to be given to a member, a written waiver thereof, executed before or after the meeting by such member and filed with the records of the meeting, shall be deemed equivalent to such notice.

Section 5. Quorum.

The presence in person of 15% of the Administrative Members of this Corporation at any meeting shall constitute a quorum for the transaction of business. The members present at a

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duly called or held meeting at which a quorum is present may continue to do business until adjournment, notwithstanding the withdrawal of enough members to leave less than a quorum.

Section 6. Entry of Notice.

Whenever an Administrative Member has been absent from any meeting, whether annual or special, an entry in the Minutes to the effect that notice has been duly given shall be conclusive evidence that due notice of such meeting was given to such member or members as required by law and the by-laws of this Corporation.

ARTICLE V BOARD OF DIRECTORS

Section 1. General Powers.

The corporate powers of this Corporation shall be vested in the Board of Directors which shall have the full power to control and manage the property and conduct the affairs and business of this Corporation, and to do all things permitted by law in the furtherance of the goals and objectives of

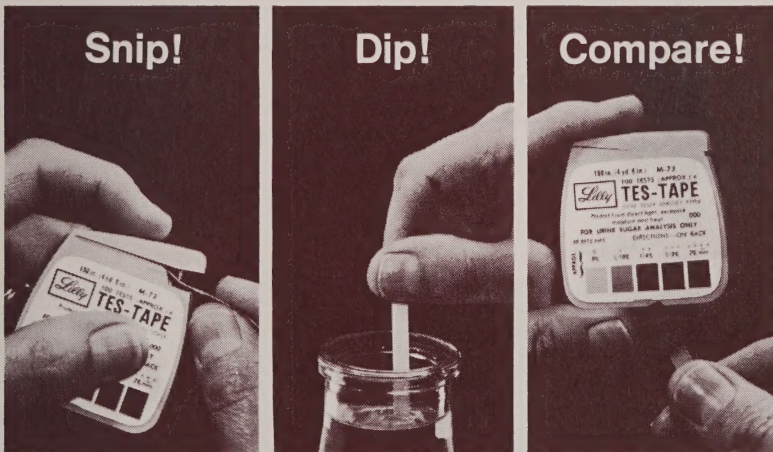
the Corporation as set forth in the Articles of Organization of this Corporation, subject only to the provisions of Article II section 2 of these by-laws and any other restrictions which may appear in these Articles of Organization.

Section 2. Initial Board of Directors.

The members of the first Board of Directors designated as such in the Articles of Organization of this Corporation shall hold office and exercise all powers granted to the full Board of Directors until the next regular annual meeting of the members of the Corporation. Thereafter, a new Board of Directors shall be elected by the Administrative membership in accordance with these by-laws.

Section 3. Number and Composition of the Board of Directors.

The Board of Directors of this Corporation shall be composed of nineteen members, fourteen of whom are Administrative Members and five of whom are lay members, which represent the following fields: (1) commercial insurance industry, (2) labor, (3) hospital



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administration, (4) industrial management and (5) legal.

Section 4. Election and Appointment of the Board of Directors.

The Administrative Members of the Board of Directors shall be elected at the annual meeting of the membership in a manner determined by the Board of Directors. The lay members of the Board of Directors shall be appointed by the Administrative Members of the Board of Directors, and said appointment shall be for a period of three (3) years which shall be renewed by the Administrative Members of the Board of Directors in their discretion.

The first members of the Board of Directors elected by the Administrative Members shall serve for the following terms: Five (5) members shall be elected for a period of three (3) years; five (5) members for a period of two (2) years; and four (4) members for a period of one (1) year. Yearly thereafter, each new elected member of the Board of Directors of this Corporation shall serve for a period of three (3) years. No Administrative Member may be elected for more than two (2) consecutive terms.

The Executive Director of the Corporation shall be an ex-officio

member of the Board of Directors.

Administrative Members and lay members shall be entitled to vote on all matters before the Board of Directors.

Section 5. Resignation, Removal and Vacancy.

Any Director may resign at any time, effective either immediately, upon receipt of said notice of resignation by the Secretary, or at a specified later date by a written resignation delivered or mailed, postage prepaid, to the Secretary of the Corporation. Any Director may be removed from office as such by the affirmative vote of two-thirds (2/3) of the total voting membership of the Board of Directors, at any meeting of the Board of Directors, on written notice setting forth the reasons and grounds therefor, mailed to the affected Director at least ten (10) days prior to the date of such meeting.

Vacancies which occur shall be filled

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by a majority vote of the Board of Directors, present at the meeting at which said vote was held, to be served until the remainder of the vacancy term. If, for any reason, a vacancy cannot be filled, the remaining Directors will be the Directors of the Corporation.

ARTICLE VI MEETINGS

Section 1.

The Board of Directors shall meet annually at such time and date as it shall determine following the annual meeting of the Members of the Corporation, for the purpose of transacting any and all business that may properly come before the meeting. Other meetings may be scheduled at such times and place as may be determined by the Board of Directors.

Section 2. Special Meetings.

Special Meetings of the Board of Directors may be called at any time by the President, or if he is absent, or unable to act, or refuses to act, then by the Secretary at the request of three or more Directors.

Section 3. Place.

The Directors may hold their meeting as set forth in the notice of the meeting or, in the event of a meeting held pursuant to a waiver of notice, as may be set forth in the waiver.

Section 4. Notice.

Unless waived pursuant to section 5 of this Article, each Director shall receive written notice of each special meeting stating the date, place and time. Such notice shall be given either personally or

by mail, postage prepaid, addressed to each director's address appearing upon the books of the Corporation, or at his residence or usual place of business at least five (5) days prior to the time the meeting is to be held. No notice shall be required for any annual or regularly scheduled meeting of the Directors of the Corporation.

Section 5. Waiver of Notice.

Notice of a meeting need not be given to any Director, if a written waiver of notice, executed by him before or after the meeting is filed with the records of the meeting, or to any Director who attends the meeting without protesting prior thereto or at its commencement the lack of notice to him.

Section 6. Quorum.

The presence of eleven (11) members of the Board of Directors at any meeting shall constitute a quorum for the transaction of business.

Section 7. Action Without a Meeting.

Any action required or permitted to be taken at any meeting of the Directors may be taken without a meeting, if a written consent thereto is signed by all the Directors and such written consent is filed with the records of the meeting of the Directors. Such consent shall be

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ARTICLE VII

OFFICERS

Section 1. Number and Officers.

The Officers of this Corporation shall be a President, Vice President, Treasurer, Secretary and such other officers as the Board of Directors may elect. Only Administrative Members may serve as officers of the Corporation.

There shall be an Executive Director of this Corporation who shall be appointed by the Board of Directors from the executive directors of the participating district medical societies enumerated in Article III, section 2.

Section 2. Election, Terms of Office and Qualifications.

At their first meeting, the Board of Directors shall elect from their number a President, Vice President, Secretary and Treasurer of the Corporation. The first Board of Directors at that meeting shall appoint the Executive Director of the Corporation, pursuant to section 1 of this Article, for the day-to-day management

of corporate affairs. Thereafter, the officers of the Corporation shall be elected annually by the Board of Directors at the regular annual meeting of the Board of Directors. All officers of the Corporation must be members of the Board of Directors. Each such officer shall hold office for one (1) year from the date of his selection by the Board of Directors and until his successor is elected and qualifies, or until his earlier resignation or death, except that any officer may be removed from office at any time, with or without cause, by the affirmative vote of two-thirds (2/3) of the voting members of the Board of Directors, and that if any officer ceases to be a Director of the Corporation, his term of office shall thereupon terminate.

Section 3. Vacancies.

Any vacancy in an office because of death, resignation, removal, disqualification or otherwise may be filled by the Board of Directors for the unexpired portion of the term.

(To be concluded next month)

MARK YOUR CALENDAR NOW!

HDMS Meeting, September 27

HDMS Executive Committee Meetings, June 6 and September 20

HDMS Golf Day, Twin Hills Country Club, Longmeadow, July 19

MMS Annual Council Meeting, Boston, May 24

MMS Annual Meeting, Boston, May 30, 31, and June 1

National Conference on Cancer Chemotherapy, New York, June 1-3

American Diabetes Assoc., Washington, D.C., June 24-25

International College of Surgeons (U.S. Section), Lake George, N.Y., July 5-10

AMA Annual Meeting, San Francisco, June 18-22

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I, the undersigned, do hereby apply for membership in the Health Care Foundation of Western Massachusetts, hereafter referred to as "Health Care Plan."

I recognize and support the purposes of the "Health Care Plan" among which are:

Freedom of choice of physician,
Preservation of the fee-for-service concept,
Maintaining the present patient-doctor relationship and
Improved health care for the community at the lowest possible cost

I understand and fully agree as a condition of my membership in this Corporation that I shall be bound, governed, and agree to comply with all provisions of articles of organization, by-laws, and by any and all rules, regulations, committee recommendations, fee schedules, peer review decisions, initiation fees and dues adopted by this corporation.

I further understand and agree that all records of this Corporation, including, but not limited to, records prepared by any member, servant, agent or employee, shall be considered confidential and the sole property of the Corporation and no member, servant, agent or employee of the Corporation shall, under any circumstances, have the right to obtain these records by subpoena or otherwise for use in any legal proceeding or other matter without the prior written consent of the Board of Directors.

I have read the above conditions of this application and understand these terms.

☐ I am a member of the Hampden District Medical Society or
☐ I am a member of the _____ District Medical Society, or
☐ I am not a member of the Hampden District Medical Society but
I am eligible for membership therein.

Date _____ Signed _____

(Please print name)

☐ Attached is a \$100 check in _____
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